

**SUPREME COURT OF SEYCHELLES**

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**Reportable**  
**[2021] SCSC 807**  
**MA 241/2021**

**In the matter of:**

**The Government of Seychelles**  
*(rep by Attorney General of National House, Mahe Seychelles)*

**Applicant**

And

**Darius Rashid Dhanjee**  
of Roche Caiman, Belonie, Mahe

**Respondent**

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Neutral Citation: *Government of Seychelles v Dhanjee* (MA 241/2021 [2021] SCSC 807)  
Before: Andre J  
Summary: Disposal order under s. 5 of Proceeds of (Crime Civil Confiscation) Act 2008 (as amended) (POCCCA)- No opposition to the application  
Heard: 3 November 2021  
Delivered: 29 November 2021

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**ORDER**

**The following orders are made:**

- (i) Pursuant to section 5 of POCCCA, an order is granted for the disposal of the property as specified in the table attached to this application, namely sums of money, totaling Seychelles Rupees Two Hundred and One Thousand Three Hundred and Fifty (SCR 201,350/-) comprised in the following denominations namely, (438 25 Seychelles rupee notes; 428 50 Seychelles rupee notes; 1140 100 Seychelles rupee notes; and 110 500 Seychelles rupee notes), be transferred to the Republic subject to less any bank charges which ABSA bank Seychelles may be entitled to deduct.
- (ii) It is also ordered that notice be issued on the Respondent with immediate effect.

**RULING**

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**ANDRE J**

### **Introduction**

This is an application by the Government of Seychelles herein represented by the Attorney General of National House, Mahe(*applicant*), for a disposal order under section 5 of POCCCA, that the whole of the sums of Seychelles rupees two hundred and one three hundred and fifty, in denominations as set out in the Table to the application and outlined in order of Twomey J of the 15 July 2020 in MC 31/2020 (*property*), be transferred to the Republic. Further, the applicant moves for further and other orders as the court shall deem just and proper.

### **Grounds for the application**

[1] The grounds on which the application is based are in a gist as follows:

- (i) That an interlocutory order was made by the former chief justice M. Twomey on 15 July 2020 under section 4 of POCCCA has been in force for not less than 12 months in relation to the property.
- (ii) That there is no pending appeal before the court of appeal in respect of the said interlocutory.
- (iii) That there is no application pending under section 4(3) of POCCCA before any court in respect of the property.

[2] To be noted at this juncture that copy of a table disclosing the details of the property, namely, SCR 201,350.00/-; affidavit of inspector Terence Roseline of the 27 September 2021 in support of the application; exhibit TR1 being the interlocutory and receivership orders of the 27 September 2021; and order of the former CJ in the MC 31/ 2021 issuing an interlocutory order prohibiting the disposal of, dealing with or diminishing in value of the property, are all exhibited. ***(The court has scrutinised all the documents referred and finds the same in line with the application as filed)***. Emphasis is mine.

[3] The respondent, duly represented by Counsel Ms. K. Dick, is not objecting to this application (proceedings of the 3 November 2021 refers).

### **Findings**

[4] This court is satisfied based on the grounds for the application as duly supported by the affidavit evidence of Inspector Terence Roseline (supra), that there are interlocutory and receivership orders made by former Chief Justice Twomey pursuant to section 4 of POCCCA on 15 July 2020, prohibiting the respondent from disposing of or otherwise dealing with the whole or any part of the property, the subject matter of this application, or diminishing its value; and appointing Mr Hein Prinsloo who was then Superintendent in the Seychelles Police attached to the FCIU to be the receiver of the property on the terms set out in the said order.

[5] Further, that the property subject to the interlocutory and receivership orders, which constitutes the subject matter of this application, is the sum of SCR 201,350.00/- and that the said sums of cash stand-in credit in the FCIU receivership account at the ABSA Bank Seychelles.

[6] That the said interlocutory order of the 15 July 2020 in relation to the property has been in force for not less than 12 months as specified under section 5(1) of the POCCCA.

[7] That there is no appeal pending before the court of appeal in respect of the said interlocutory order and or any other order made under section 4 of the POCCCA, nor of any pending application made by or on behalf of the respondent or any other person under section 4(3) of the POCCCA.

[8] It follows thus, that this court based on the foregoing findings, is satisfied that an order for the final disposal of the said property, less any bank charges which ABSA bank Seychelles may be entitled to deduct, by way of transfer to the Republic as provided for in section 5 of POCCCA is to be ordered accordingly.

### **Conclusion**

[9] It follows that this court orders as follows:

- (i) Pursuant to section 5 of POCCCA, I hereby order for the disposal of the property as specified in the table attached to this application, namely sums of money, totalling Seychelles Rupees Two Hundred and One Thousand Three Hundred and Fifty (SCR 201,350/-) comprised in the following denominations namely, (438 25 Seychelles rupees notes; 428 50 Seychelles rupee notes; 1140 100 Seychelles rupee notes; and 110 500 Seychelles rupee notes), be transferred to the Republic subject to less any bank charges which ABSA bank Seychelles may be entitled to deduct.
- (ii) I further order that notice be issued on the Respondent with immediate effect.

Signed, dated, and delivered at Ile du Port on 29 November 2021.

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**ANDRE J**